

CHAPTER NO. 56

SENATE BILL NO. 1888

By Elsea, Cohen, Dixon

Substituted for: House Bill No. 1308

By White, Fraley

AN ACT Relative to state natural areas and to amend Part 1 of Chapter 14 of Title 11 of the Tennessee Code.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 11-14-108(b)(2), is amended by adding the following as appropriately designated subsections:

SEQUATCHIE CAVE. An area of approximately eight (8) acres located where Owen Spring Branch flows from the mouth of the cave at Sequatchie Cave Park in Marion County. The cave and its cool spring water support the federally listed Royal Snail (*Pyrgulopsis ogmophaphe*) and numerous other rare faunal species. This is also the type locality of a rare caddisfly (*Glyphopsyche sequatchie*).

LANGFORD BRANCH. An area of approximately twenty-three (23) acres in Lewis County that supports the federally listed Tennessee Yellow-eyed Grass (*Xyris tennesseensis*). Tennessee Yellow-eyed Grass occurs in an ecologically significant small calcareous seep community with other rare plants that include Grass of Parnassus (*Parnassia grandifolia*) and short-headed rush (*Juncus brachycephalus*). The seep is nested within an oak-hickory forest with grassland barrens species occurring on steep slopes.

SECTION 2. Tennessee Code Annotated, Section 11-14-108(b)(2)(N), is amended by deleting the language, "nine thousand two hundred eighty (9,280) acres" and substituting instead, "fourteen thousand two hundred seventy (14,270) acres".

SECTION 3. Tennessee Code Annotated, Section 11-14-108(b)(2)(N), is further amended by deleting the language, "sixteen thousand thirty (16,030) acre" and substituting instead, "twenty-one thousand twenty (21,020) acre".

SECTION 4. Tennessee Code Annotated, Section 11-14-108(b)(2)(GG), is amended by deleting the language, "seventy-two (72) acre" and substituting instead, "seventy-nine (79) acre".

SECTION 5. Tennessee Code Annotated, Section 11-14-108(b)(2)(MM), is amended by deleting the language, "three thousand seven hundred (3,700) acres" and substituting instead, "three thousand eight hundred fifty-two (3,852) acres".

SECTION 6. Tennessee Code Annotated, Section 11-14-108(b)(2)(NN), is amended by deleting the language, "five hundred seventy-six (576) acres" and substituting instead, "eight hundred forty-six (846) acres".

SECTION 7. Tennessee Code Annotated, Section 11-14-115, is amended by designating the existing language as subsection (a) and adding the following subsections:

(b) In addition to the foregoing criminal penalty, the General Assembly finds that it is appropriate that there be the following civil sanction as well. Any person who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

(1) any damage or vandalism to any natural area;

(2) the removal or destruction of any rare, threatened or endangered species of plants in any natural area; or

(3) any other violation of this part or the rules promulgated hereunder.

(c) The commissioner, through the attorney general and reporter, may institute proceedings for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation occurred, in the name of the department.

(d) In assessing the civil penalty, the court may consider the following factors:

(1) whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) damages to the natural area, including compensation for loss or destruction of any part of the area, resulting from the violation, as well as expenses involved in enforcing this section and the costs involved in rectifying any damage;

(3) the cause of the violation; and

(4) any economic benefit gained by the violator.


SECTION 8. Tennessee Code Annotated, Title 11, Chapter 14, Part 1, is further amended by adding the following as an appropriately designated new section:

The commissioner may initiate proceedings in the chancery court of Davidson County or the county in which the activities occurred against any person who is alleged to have violated or is about to violate this part or the rules promulgated hereunder. In such action the commissioner may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

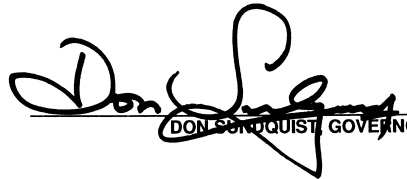
SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 26, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of April 2001


DON SUNDQUIST, GOVERNOR